

REMARKS

This is in response to the Office Action mailed on November 14, 2003, in which claims 2, 6, 12, 13 and 28 were rejected under 35 U.S.C. § 103(a), claims 7/6, 8/7, 9/7 and 10/9 were objected to as being dependent on a rejected base claim, and claims 3-5, 6/3, 7/6/3, 8/7/6/3, 9/7/6/3, 10/9/7/6/3, 12/14, 14-17, 19-27 and 29 were allowed.

Allowable Subject Matter

The Examiner's allowance of claims 3-5, 6/3, 7/6/3, 8/7/6/3, 9/7/6/3, 10/9/7/6/3, 12/14, 14-17, 19-27 and 29, as well as the indication that claims 7/6, 8/7, 9/7 and 10/9 contain allowable subject matter, is gratefully acknowledged.

Claim Rejections – 35 U.S.C. § 103

Claims 2, 6, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smeenge et al. (USP 4,616,798) in view of Martin (USP 5,655,743). Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Smeenge et al. in view of Martin, and in further view of Meier et al. (USP 5,830,552).

With this Amendment, independent claims 2 and 13 have been amended to recite "a mounting plate that secures the adjustable keyboard tray to the bracketing mechanism, wherein the mounting plate is secured to a bottom surface of the bottom plate of the adjustable keyboard tray in a recessed mounting area of the bottom plate to maintain a substantially smooth outer surface along the bottom plate." In rejecting these claims, the Examiner contended that Smeenge et al. disclose a mounting plate (50) secured to the bottom plate of an adjustable keyboard tray in a recessed mounting area (see FIG. 2). The Applicant disagrees with this characterization, as the mounting plate (50) of Smeenge et al. is shown in FIG. 2 to be abutted to the central core (45) of the apparatus, and is therefore not recessed. However, the amendments to claims 2 and 13 make this a moot point, because the Examiner has expressly noted that "the recessed mounting area is not formed on the exterior of the bottom plate but rather in the interior of the bottom plate." Amended independent claims 2 and 13 recite that the mounting plate is secured to a bottom surface (the exterior) of the bottom plate in a recessed mounting area of the bottom plate. This configuration is not disclosed,

taught or suggested by Smeenge et al. or by any of the other cited references, including Martin. Because the prior art of record, alone or in combination, does not disclose, teach or suggest all of the elements of amended independent claims 2 and 13, the rejection of claims 2 and 13 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 6/2, and 28 depend from amended independent claim 2, and claim 12/13 depends from amended independent claim 13. Claims 6/2, 28 and 12/13 are allowable with the claims from which they depend. In addition, it is respectfully submitted that the combinations of features recited in claims 6, 28 and 12 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

CONCLUSION

In view of the foregoing, all pending claims 2-10, 12-17 and 19-29 are in condition for allowance. A Notice to that effect is respectfully requested.

The amendments presented herein comply with the Examiner's suggestions made in the most recent Office Action, in that the Examiner indicated in that Office Action that the prior art did not disclose a recessed mounting area formed on the bottom surface of the bottom plate. These amendments were not presented earlier in the case because of the new grounds of rejection raised in the most recent Office Action. The amendments presented herein place the entire application in condition for allowance, and entry in accordance with the provisions of 37 C.F.R. 1.116 is proper and requested.

Respectfully submitted,

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